

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

The Court referred this matter to United States Magistrate Judge John M. Bodenhausen for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On November 15, 2022, Judge Bodenhausen filed his Report and Recommendation (Doc. [106]), recommending that Defendant's Motion to Suppress Custodial Statements (Doc. [70]) and his Motion to Sever Counts I, IV, V, VI, and VII from Counts II and III (Doc. [71] should be denied. Doc. [106].

Defendant objects to the Report and Recommendation by raising the same arguments made before Judge Bodenhausen. Doc. [107]. The Court has conducted a de novo review of all matters relative to Defendant’s motions and objections, including a thorough review of the transcript of the evidentiary hearing held in front of Judge Bodenhausen, as well as the parties’ briefings. *See* Docs. [70], [71], [72], [77], [78], [96], [100], [101], [105]. After careful deliberation, the undersigned will adopt and sustain Judge Bodenhausen’s thorough and well-considered Report and Recommendation in its entirety and deny Defendant’s motions. The Court agrees with Judge Bodenhausen’s analysis and conclusions that Mr. Little’s custodial statements were voluntarily made, and that the interrogation and presentment procedures complied with *Miranda v. Arizona*, 384 U.S. 436 (1966), *McNabb v. United States*, 318 U.S. 332 (1943), and *Mallory v. United States*, 354 U.S. 449 (1957). Therefore, his Sixth Amendment rights were not violated by the interrogation and presentment procedures used in his case. The Court further agrees that Defendant has failed to show a risk of severe prejudice sufficient to justify severance.

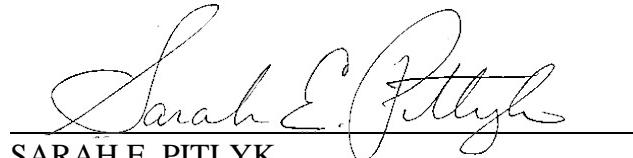
IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge John M. Bodenhausen (Doc. [106]), filed November 15, 2022, be and hereby is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress Custodial Statements (Doc. [70]) is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion to Sever Counts I, IV, V, VI, and VII from Counts II and III (Doc. [71]) is **DENIED**.

IT IS FINALLY ORDERED that this case is set for trial on **February 13, 2023, at 9 a.m.** in the courtroom of the undersigned.

Dated this 30th day of December, 2022.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE